

### **REMARKS/ARGUMENTS**

Claims 1 to 2, 6 and 14 to 16 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Gierer (US 6,471,027) in view of Sponable (US 5,827,149). Claims 4 to 5 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Gierer (US 6,471,027) in view of Sponable (US 5,827,149) as applied to claim 1, and further in view of Knappe (GB 1,119,957). Claim 3 was objected to, but was indicated as being allowable if rewritten in independent form.

Claims 7 to 13 have been previously canceled without prejudice.

Reconsideration of the application is respectfully requested.

#### **Claim Objections**

Claim 3 was objected to, but was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Withdrawal of objection to claim 3 is respectfully requested in view of the following.

#### **35 U.S.C. §103 Rejections**

Claims 1 to 2, 6 and 14 to 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gierer (US 6,471,027) in view of Sponable (US 5,827,149).

Gierer describes “a locking system (13) [that] is actuated by a magnet (5) through which a current flows.” See e.g. Abstract. “On the piston 2 are fastened connecting elements 14 and a pawl 15 which engages in a parking gear 16 as a result of the displacement of the piston 2 by the spring 6. By applying a hydraulic pressure in a piston chamber 11, the piston 2 is moved to the opposite end position against the tension of the spring 6 and the pawl 15 releases the parking gear 16 of a shaft 17 of the automatic transmission.” Col. 2, lines 38 to 44.

Sponable describes an electrically powered park lock actuator 10, which “comprises two high-speed, reversible DC electric motor acting via a speed reduction gear train to move a locking pawl into and out of engagement with a gear on the transmission output shaft.” See e.g. Abstract. “As long as the transmission 12 remains in a gear range other than Park, ECU 18 leaves the lock actuator 10 dennergized”. Col. 5, lines 60 to 63.

Claim 1 recites: “A device for controlling an electrically-operated holding magnet of a parking lock of a motor vehicle transmission, the holding magnet being supplied with power via a transmission control resettable to a basic setting and for holding the parking lock in a disengaged state, the device comprising:

an apparatus for bridging a reset operation of the transmission control, the apparatus maintaining a power supply of the holding magnet during the reset operation.”

Claim 14 recites: “A method for controlling an electrically-operated holding magnet of a parking lock of a motor vehicle transmission, the holding magnet being supplied with power via a transmission control resettable to a basic setting and for holding the parking lock in a disengaged state, the method comprising the step of:

maintaining the power supply of the holding magnet during a reset of the transmission control.”

It is respectfully submitted that neither Gierer nor Sponable teach or show “the holding magnet being supplied with power via a transmission control resettable to a basic setting and for holding the parking lock in a disengaged state” as recited in claims 1 and 14.

Gierer does not teach or disclose at all control device 19 controlling the transmission but merely controlling the parking gear 16 for the transmission 20. Control device 19 is not a transmission control and has no basic setting of neutral. Control device 19 is completely independent of any transmission control.

In Sponable, no power is supplied to actuator 10 via ECU 18 in most cases and the lock actuator 10 is deenergized. This is the opposite of holding magnet disengagements, where it is the energization of the magnet which holds the park lock in a disengaged state. Battery 104 in sponable supplies power only when the power supply 40 has been incapacitated to move park lock actuator 10 from a locked position to an unlocked position. It does not maintain any power supply but rather adds a new power when other power has failed, and requires that a switch be activated and be reached without “undue difficulty”. There is no “maintaining” of a power supply at all and certainly not “during” a reset operation.

It is further respectfully submitted that one of skill in the art would not have modified Gierer to provide "an apparatus for bridging a reset operation of the transmission control, the apparatus maintaining a power supply of the holding magnet during the reset operation" as the control devices and parking locks are totally different, and neither reference shows or teaches such an apparatus.

Moreover, even if somehow Sponable would teach the functionality of maintaining a parking lock in a disengaged state during a reset operation (which it is respectfully submitted it does not), there is no reason or teaching in Sponable to modify Gierer to provide this functionality via the magnet, as many other parts of Gierer could be modified to do so.

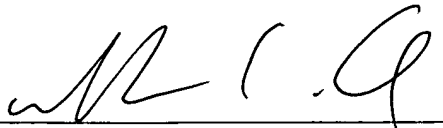
Claims 4 to 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gierer (US 6,471,027) in view of Sponable (US 5,827,149) as applied to claim 1, and further in view of Knappe (GB 1,119,957). In view of the above, withdrawal of this rejection is also respectfully requested.

Withdrawal of the rejection to claim 1 and its dependent claims, and to claim 14 and its dependent claims, under 35 U.S.C. §103(a) is thus respectfully requested.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
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